



08-14-06

1fw
DAC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Laurent DE VOLDER

Serial No.: 10/018,302

Group No.: 2854

Filed: November 8, 2002

Examiner: E. Eickholt

For: PROCESS FOR INKING A PRINTING PLATE WITH THERMOPLASTIC
INKS AND INK TANKS TO BE USED THEREIN

Attorney Docket No.: U 013688-5

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(A)(3) TO INVOKE SUPERVISORY AUTHORITY
and
WITHDRAW HOLDING OF ABANDONMENT

On August 13, 2003, the applicant paid the Issue Fee and filed Formal Drawings for issue of the above application.

On October 10, 2003, the Office issued a Notice of Abandonment because, "No proposed new formal drawings have been received."

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date August 11, 2006, in an envelope as "Express Mail Post Office to Addressee", mailing Label Number EV815585495U, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Geraldine Marti

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

On November 29, 2004, an erroneous Decision found no timely Formal Drawings.

On May 31 and August 18, 2005, Decisions found that a Certificate of Mailing of a COPY of the August 13, 2003, Formal Drawings filed October 20, 2003, was not signed.

On September 15, 2005, a Decision on Petition found, "The Office can't accept the copy of the signed Amendment ... since it is not an original copy of the Amendment as received August 13, 2003"

Therefore, the basis of the Decision of September 15, 2005, contradicts the facts found by the Office in the Notice of Abandonment of October 10, 2003, "No proposed formal drawings have been received." The Office did not receive the Amendment of August 13, 2003.

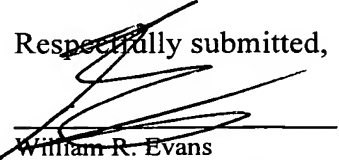
Since the Office did NOT receive the Amendment of August 13, 2003, the Office has no basis for denying a mailing date of the signed copy thereof that was filed August 24, 2005. Supervisory authority is invoked, therefore, for accord of the Certificate of Mailing date under 37 CFR 1.8 of August 13, 2003, for Formal Drawings then filed for issue of the above application.

Other facts are in evidence through a Status Inquiry of December 9, 2006, and a refusal by telephone of Mr. Thomas Hawkins August 4, 2006, to respond to it or a Request of October 4, 2005.

If a fee is required for this Petition, please charge deposit account 12-0425.

If a fee is charged, its refund to deposit account 12-0425 is requested, because no fee is required to be accorded a filing date under 37 CFR 1.8.

Respectfully submitted,



William R. Evans
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 25858
Tel. No. (212) 708-1930